



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/550,878 04/17/00 HEIDEN

R F-118

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TM01/0625

EXAMINER

PITNEY BOWES INC
INTELLECTUAL PROPERTY AND TECHNOLOGY LAW
35 WATERVIEW DRIVE
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SHELTON CT 06484-8000

ELISCA, P ART UNIT	PAPER NUMBER
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2161

DATE MAILED:

06/25/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/550,878

Applicant(s)

Heiden, Richard W. et al.

Examiner

Pierre E. Elisca

Group Art Unit

2161



☒ Responsive to communication(s) filed on Apr 17, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 24-44 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 24-44 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 5

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2161



Examiner Pierre Eddy Elisca

United States Department of Commerce

Patent and Trademark Office

Washington, D. C. 20231

DETAILED ACTION

1. This office action is in response to application serial number 09/550,878 filed on 04/17/2000.
2. Claims 1 and 24-44 are presented for examination.

Double Patenting

3. Claim 1 of this application serial number 09/550,878 conflict with claim 1 of Application No. 6,141,654 . 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

Art Unit: 2161

Claims 24, 31, 38 and all subsequent claims are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 15 respectively of U.S. Patent No. 6,141,654. Although the conflicting claims are not identical, they are not patentably distinct from each other because both define inventions that are obvious variations of each other achieving the same end result. It would have been obvious to those in possession of the invention defined by claims 24, 31 and 38 to observe that these limitations are already included in claims 1 and 15 of the U.S. Pat. No. 6,141,654. One of ordinary skill in the art would have realized that the omission of “establishing a transaction session between a user of the computer and the data center, the user corresponding to one of the plurality of postage accounts, envelope” in claims 24 and 38, the omission of “maintaining a plurality of postage accounts, restriction data, establishing a transaction session with a user of the computer system, the user corresponding to one of the plurality of postage accounts, receiving recipient address information from the user and printing on the envelope” in claim 31 of application serial number 09/550,878 is an obvious expedient since the remaining elements perform the same function as before. In re Karlson, 136 USPQ 184 (CCPA 1963).

Conclusion

4. The prior art made of record and relied upon is considered to applicant's disclosure.
5. Any inquiry concerning this communication from the examiner should be directed to Pierre Eddy Elisca at (703) 305-3987. The examiner can normally be reached on Monday, Tuesday, and Wednesday from 5:30AM. to 6:00PM.

Art Unit: 2161

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor,
James Trammell can be reached on (703) 305-9769.

Any response to this action should be mailed to:

Commissioner of patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

OR:

(703) 305-3718 (for informal or draft communications, please label

"PROPOSED" or" DRAFT")

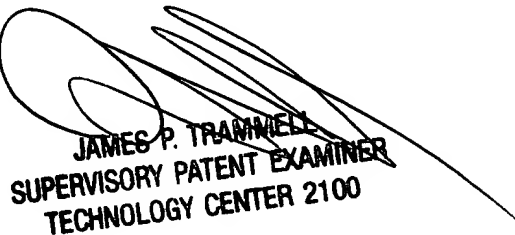
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA.,

Sixth floor (receptionist).


Pierre Eddy Elisca

Patent Examiner

June 20, 2001


JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100